

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dolly et al.

Serial No: 08/750,101

Filed: May, 1, 1997

**For: MODIFICATION OF CLOSTRIDIAL
NEUROTOXINS FOR USE AS
TRANSPORT PROTEINS**

Examiner: Minnifield, N.

Group Art Unit: 1645

Batch No. R23

Box Issue Fee-312(b)Amendment
Commissioner for Patents
Washington, D.C. 20231

PETITION PURSUANT TO 37 CFR § 1.312(b)

Dear Sir:

This petition is filed in connection with an amendment pursuant to § 1.312(b). Applicants respectfully request that this amendment be entered for the following reasons:

This application involves inventors at two different entities, one in the United Kingdom (Imperial College of Science and Technology in London, U.K.), and one in the United States (Allergan Sales, Inc.). Some of the work that gave rise to the invention was performed under funding provided by Allergan Sales, Inc. to Imperial College of Science and Technology. Some of the research which gave rise to certain aspects and portions of the invention was done while the inventor was working under a grant from the U.S. Government.

This application claims priority to an International Patent Application filed May 31, 1995. At that time, the application was being prosecuted by an attorney other than the undersigned. When Applicant's present representative began the prosecution of this application in late 1997, he was unaware of any rights in the patent application or resulting patent that might reside in the U.S. Government. Following payment of the issue fee in the present case, Applicant's representative found a reference to this government support in a file related to, but separate from, that of the present application. This documentation was discovered on October 12, 2000 and this Amendment and Petition was diligently filed thereafter.

For the above reasons Applicants respectfully petitions the Commissioner to permit the accompanying amendment to be made in the present application without withdrawing the application from issue.

Should it be helpful to resolving this issue, Applicant's representative invites the Commissioner to contact him by telephone at 714-246-4920. Applicants also request that the fee due in connection with this Petition pursuant to 37 CFR § 1.17(i) be debited from our deposit account

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Box Issue Fee- 312(b) Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

Date of Deposit:

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Person making Deposit: Bonnie Ferguson

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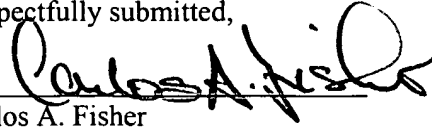
Date of Signature: 10/13/00

Dolly, et al.
PATENT
Serial No. 08/750,101

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number 01-0885, as well as any other fees that may be due in connection with this communication.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carlos A. Fisher", written over a horizontal line.

Carlos A. Fisher
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